

Advisory Opinions on Consent Agenda - December 2020

Item #	Docket #	Caption	Analysis	Recommendation
G3	2020-633	A Request for an Advisory Opinion, submitted by Emmanuel Owuor, regarding whether the Louisiana Code of Governmental Ethics would prohibit Munca Technologies, Inc. from bidding on and entering into a contract with LSU Parking and Transportation "LSUPT" after Mr. Owuor was previously employed with LSUPT.	Based on the facts presented, the Code does not prohibit Munca from participating in LSUPT's Safe Ride Program. Munca's participation in LSUPT's Safe Ride Program does not violate La. R.S. 42:1121(B) or La. R.S. 42:1121(C) because Mr. Owuor did not participate in the Program during his employment with LSUPT.	Adopt the proposed advisory opinion.

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G4	2020-634	Advisory Opinion Request from Dennis Hoffman, the son-in-law of a member of the Harahan City Council, regarding his appointment to an unpaid position with various city boards and commissions.	As the son-in-law of a council member, Mr. Hoffman would be considered an immediate family member of a City Council member under La. R.S. 42:1102(13). The prohibition contained in La. R.S. 42:1113(A)(1)(a) will prevent Mr. Hoffman, as an immediate family member of a council member, from being appointed. While Mr. Hoffman's request uses the definition of "transaction" from the Cambridge Dictionary that would exclude arrangements for volunteer services, "transaction" is a defined term under the Code of Governmental Ethics. The Board has concluded that the appointment is a transaction under La. R.S. 42:1102(23). Notably, while the exception contained in La. R.S. 42:1113(A)(1)(b)(ii) would allow the city council members to be appointed to boards and commissions on an unpaid basis, such exception only relates to the actual council members and not their immediate family members.	Adopt proposed advisory opinion.

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G5	2020-730	Advisory Opinion Request concerning post-employment activities by Gary Gisclair, a former employee of the Louisiana Department of Transportation and Development.	As Mr. Gisclair was not the head of an agency or an elected official, the general rule for all other public employees, La. R.S. 42:1121(B), shall apply. Accordingly, for a period of two years, Mr. Gisclair may not contract with his former agency, DOTD's Operations Department for the Houma Sub-District, to provide the same services he provided while employed with DOTD. Therefore, he may not provide services to his former agency through any contract between his new employer and former agency. In addition, he may not assist his current employer in transactions involving DOTD, in which he participated during his employment with DOTD.	Adopt proposed advisory opinion.
G6	2020-731	Request for review and approval of a Disqualification Plan, submitted by Attorney Robert Moore on behalf of the Town of Arcadia, concerning Billy Abner's service as Streets Superintendent while his son, Jeremy Abner, is a full time employee to be supervised by his father.	The proposed Disqualification Plan appears sufficient to remove Billy Abner from any potential violations of La. R.S. 42:1112(B)(1) concerning his son, Jeremy Abner.	Adopt the proposed Disqualification Plan.

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G7	2020-738	A Request for an Advisory Opinion, submitted by Michele D. Jones, MLIS, regarding whether the Louisiana Code of Governmental Ethics would prohibit her continued employment as the Director of the Audubon Regional Library while she works as a part-time contractor for the Louisiana Department of Corrections.	Based on the facts presented, enforcement of the Dual Office Holding laws are not within the jurisdiction of the Board. For guidance concerning the application of the Dual Office Holding Laws, Ms. Jones should contact the Louisiana Department of Justice, Office of the Attorney General.	Adopt the proposed advisory opinion.
G8	2020-781	Advisory opinion request as to whether a former member of the Louisiana State Board of Examiners of Psychologists (LSBEP), who was appointed on an interim basis, may be appointed to the LSBEP on a permanent basis.	Based on the facts presented, Section 1121A(2) of the Code of Governmental Ethics does not prohibit the Governor from appointing Dr. Rasmussen to serve as a member of the LSBEP even though she served as "pro-tem" member within the last two years. While Dr. Rasmussen would be prohibited from accepting an appointment made by LSBEP, she is being appointed by the Governor and not the LSBEP.	Adopt proposed advisory opinion.

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G9	2020-782	A Request for an Advisory Opinion, submitted by the Vidalia Chief of Police Joey Merrill, regarding whether the Louisiana Code of Governmental Ethics "Code" would prohibit the Vidalia Police Department "VPD" from accepting monetary donations from the Riverpark Medical Center to be used as Chief Merrill sees fit.	Based on the facts presented, the Code would not prohibit the VPD from accepting monetary donations from Riverpark Medical Center. Additionally, the Code does not place any restrictions on how the VPD can use the donated funds. However, the Code does not dictate where the VPD can deposit those donated funds. Chief Merrill should be cautioned against a potential violation of La. R.S. 42:1112.	Adopt the proposed advisory opinion.
G10	2020-789	Disqualification Plan regarding Patricia Broussard with the Office of Finance and Management for Lafayette City-Parish Consolidated Government.	The proposed disqualification plan meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics (Attached).	Approve the proposed disqualification plan.